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10/612,887	07/03/2003	Toshihiro Shima	MIPFP037	7007

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EXAMINER	
HIGA, BRENDAN Y	

ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/612,887	SHIMA ET AL.	
	Examiner	Art Unit	
	BRENDAN Y. HIGA	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 5-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *1,2,5 and 6* is/are allowed.

6)☐ Claim(s) *7-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on December 21, 2007.

Claims 1, 2, 5-9 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schacht et al. (US 6,959,437), hereafter referred to as Schacht, in view of Teng et al. (US 6,094,679), hereafter referred to as Teng, in view of Wilf (US 6,496,824) and Narin (US 6,966,034), and in further view of Wittel (US 2003/0195951).

As per claim 7, Schacht teaches a device (printer or MFP) used in connection with a network (see Fig. 2), said device comprising:

A storage unit configured to store a URL (hyperlink on the printer's embedded web page, see col. 4, lines 54-63) for download corresponding to a Web page which provides device control software to control said device on the Internet (see col. 4, lines 54-63); and a HTTP communication unit (see Fig. 3, ref. 300, *also the examiner notes that although Schact is silent on the use of the HTTP protocol, the use of the HTTP*

protocol is inherent to Schacht invention. Since Schacht teaches the delivering 'hypertext' documents (i.e. a web page with a hypertext link which is supplied to a web browser, see col. 4, lines 1-12) it can be implied that the requesting of such a document is obtained via the hypertext transfer protocol ('HTTP')) configured to generate a markup language file including a link to said URL for download (hyperlink on the printer's embedded webpage) and to send said markup language file back to a client through a HTTP response in a response to a HTTP request from said client (see col. 5, lines 28-41).

Although Schacht at least impliedly teaches the use of a HTTP request and HTTP response messages (see col. 4, lines 1-12, wherein Schacht teaches the delivering of 'hypertext' documents (i.e. a web page with a hypertext link which is supplied to a web browser), which implies the use of the hypertext transfer protocol ('HTTP')) Schacht does not expressly teach wherein said HTTP communication unit identifies a type of an operating system used in said client by analyzing OS information which is described in a User-Agent that is an environment variable in said HTTP request sent from said client to generate said markup language file corresponding to an identified type of said operating system.

However, in the same art of Internet printer driver installation, Teng teaches a system for download a printer driver to a client (see col. 3, lines 1-12), wherein the client requests said printer driver via a HTTP request message (see col. 3, lines 32-45). The HTTP request message comprising, *inter alia*, the brand of the operating system (OS) running on the client (see col. 3, lines 32-45), wherein response the system delivers the

client software files for installing a network printer based on the client's operating system (see col. 3, lines 45-51).

One of skill in the art would have been motivated to modify the HTTP request message with the HTTP request message described for Teng in order to provide the requesting client with a printer driver that is compatible with the requesting client's operating system.

Furthermore, although Teng does not necessarily describe the OS information of the HTTP request message being in a User-Agent that is an environment variable in said HTTP request, HTTP request messages containing a User-Agent for describing a client's operating system environment were well known in the art. For example, Wilf (US 6,496,824), see col. 1, lines 28-45, teaches a HTTP header including a HTTP "User-Agent" field containing, *inter alia*, the type and version of the operating system at the HTTP client. Furthermore, Wilf, teaches the step of generating a markup language file corresponding to an identified type of said operating system (see col. 4, lines 62-65, the HTTP server uses the user information as needed and sends an HTTP response, read as a hypertext generated markup language file in response, and col. 4, lines 16-35, wherein the response is generated based on, *inter alia*, the HTTP client's operating system 112, also note that further support for generating a markup language file (i.e. web page) corresponding to information stored in a User-Agent can be found in Narin (US 6,966,034), see abstract and Fig. 7).

One of skill in the art would have been motivated to modify the teachings Schacht and Teng with the teachings of Wilf and Narin, in order to utilize the User-Agent

field of the existing HTTP header structure for including the OS information and generating a markup language file (i.e. web page) corresponding to such information in the HTTP request message. The motivation for doing so would have been to take advantage of the existing HTTP message structure, and thus reducing redundancy in the construction of HTTP request message.

Lastly, the combination of Schacht, Teng, Wilf and Norin, does not expressly teach the hyperlink (see Schacht col. 4, lines 54-63) pointing to an external server (read as an external URL).

However, in the same art as noted above, Wittel teaches a storage unit for storing external URL's, (see [0011] and [0046], wherein the URL points to remote content server 202) wherein a user requesting driver specific software can select one of the external URL and retrieve the desired software from a remote content server (see [0046]).

One of skill in the art would have been motivated to modify the teachings of Schacht with the teachings of Wittel, for providing the driver software from a remote content server, in order to enable the automated detection of available drivers without the need to first download the driver software to the printing device of Schacht's invention.

As per claim 8, Schacht in view of Wittel further teaches wherein said storage unit stores an URL for update corresponding to a Web page which provides update

information to update said external URL for download (Schacht: see external server/web server Fig. 2, ref. 208, col. 6, lines 39-45), and said device further comprising: an update unit configured to acquire said update information from said Web page based on said external URL for update and to utilize said update information to update said external URL for download (Schacht: see col. 6, lines 39-45).

The same motivation that was utilized for combining Schacht and Wittel in claim 7 applies equally well to claim 8.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teng (US 6,094,679) in further view of Wilf (US 6,496,824).

As per claim 9, Teng teaches inputting OS information representing an operating system installed in said client from said client to identify a type of said operating system used by said client (see col. 3, lines 35-40), searching a storage location on said network (Fig. 1 and col. 5, line 65-col. 6 line 7, wherein the system may be embodied on a enterprise-wide computer network, intranets or the Internet) of device control software corresponding to said identified type of said operating system from a database (see col. 3, lines 45-50, 'retrieving the requested software files from a network server') in which specifications of operating systems and storage locations of device control software are recorded in association with each other (see col. 3, lines 45-50 "as a function of printer identified in the message and the information appended to it"), said database (network server, Fig. 1, ref. 20) being stored in a predetermined server connected to said device

(see printer Fig. 1, ref. 50) via said network (Fig. 1 and col. 5, line 65-col. 6 line 7, wherein the connection to the printer may include a enterprise-wide computer network, intranets or the Internet); and informing said client of said searched storage location of said device control software (see col. 3, lines 51-54, these software files are then compressed into a cabinet file and returned to the network client).

Although Teng teaches including the OS information in an HTTP request message (see col. 3, lines 35-40), Teng does not expressly teach said OS information being described in a User-Agent that is an environment variable in a HTTP request sent from said client.

However, HTTP request messages containing a User-Agent for describing a client's operating system environment were well known in the art, see for example, Wilf (US 6,496,824), see col. 1, lines 28-45, teaches a HTTP header including a HTTP "User-Agent" field containing, *inter alia*, the type and version of the operating system running at the HTTP client.

One of skill in the art would have been motivated to utilize the User-Agent field of the existing HTTP header structure for including the OS information in the HTTP request message as described by Teng. The motivation for doing so would have been to take advantage of the existing HTTP message structure, and thus reducing redundancy in the construction of HTTP request message.

Allowable Subject Matter

Claims 1, 2, 5, and 6 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach nor render obvious a device comprising both "an identification unit configured to input OS information representing an operating system installed in said client to identify a type of said operating system used in said client, said OS information being described in a User-Agent that is an environment variable in a HTTP request sent from said client" and

"a search unit configured to search a storage location on said network of device control software, which corresponds to said identified type of said operating system and controls said device, from a database in which specification of operating systems and storage locations of device control software are recorded in association with each other, said database being stored in a predetermined server connected to said device via said network."

Response to Arguments

Applicant's arguments, see remarks, filed December 21, 2007, with respect to claims 1, 2, 5, and 6 have been fully considered and are persuasive. The U.S.C. 103(a) rejection of claims 1, 2, 5, and 6 has been withdrawn.

Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN Y. HIGA whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BYH

/Glenton Burgess/
Supervisory Patent Examiner, Art Unit 2153